Safety & Health: The Implementation of the Working Time Directive in the Armed Forces Country experiences: Germany

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Structure of the Presentation

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- Conclusions

Introduction



Foto: Bundeswehr / Tom Twardy – Mi., 16. Februar 2022 10:17

Equality and its Impact on the Working Time Regime



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- Jurisprudence at national level: Federal Administrative Court, 2011
- Facts: soldiers and government civilians working side-by-side
- Legal Assessment:
 - Working Time Directive
 - Equal Treatment

The Development of the Current German Working Time Regime

Analysis:

- factual situation
- legal framework
- implications of possible working time regimes on mission accomplishment

Result:



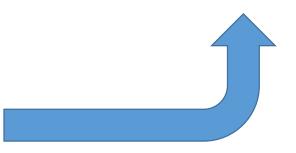
Bundesgesetzblatt '

	Teil I	G 5702
2015	Ausgegeben zu Bonn am 22. Mai 2015	Nr. 19
Tag	Inhalt	Seite
13. 5.2015	Gesetz zur Steigerung der Attraktivität des Dienstes in der Bundeswehr (Bundeswehr Attraktivitätssteigerungsgesetz – BwAttraktStG) FNA: 2030-25, 2030-32, 2032-1, 2032-1-11-3, 210-7, 454-1, 51-1, 51-1-22, 51-1-27, 51-1-29, 51-11, 53-1, 53-4, 54-2, 860-6, 613-6-1 GESTA: HON1	

Two-Pillar Approach

 Uniformity of working conditions in governmental service

- Peculiarities of military requirements
 - Readiness
 - Training and Exercises
 - Collective Self-Defence and Expeditionary Operations
 - Domestic Emergency Tasks



The Judgment of 15 July 2021

- "National Security"?
 Article 4(2) of the Treaty on European Union
- Reconciling Member States'
 Prerogatives and the scope of EU law

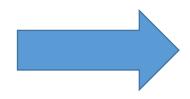


Possible Adaptations: the Working Time Way Ahead

- three different kinds of activities:
 - those to which the Working Time Directive is fully applicable,
 - those regarding which the provisions of the Working Time Directive may be temporarily disregarded, and
 - those excluded in their entirety from the scope of the Working









Conclusions

- Working Time and Fighting Value are interconnected.
- Member States' fundamental security and defence policy choices matter.
- There is a difference between legitimate hardship and inhuman drudgery.